



# Legislative Research Council

## Rules Review Committee Minutes

**Three hundred fifty-first meeting  
Monday  
August 17, 2015**

**Room 414  
State Capitol  
Pierre, South Dakota**

The three hundred fifty-first meeting of the Rules Review Committee was called to order by Senator Mike Vehle (Chair) at 10:02 a.m., CT, on August 17, 2015, in Room 414 at the State Capitol, Pierre, South Dakota and via the Digital Dakota Network (DDN) at the following locations: University Center, 4801 NN. Career Ave., Room FADM 145, Sioux Falls, South Dakota and Black Hills State University, 1200 University Station, Room LIB 11, Spearfish, South Dakota.

A quorum was determined with the following members answering the roll call: Senators Jim Bradford, Phyllis Heineman and Mike Vehle (Chair) and Representatives Peggy Gibson, Jean Hunhoff, and Timothy Johns (Vice Chair). Staff members present were Doug Decker, Code Counsel, and Kris Schneider, Senior Legislative Secretary.

All material distributed at the meeting is attached to the original minutes on file in the Legislative Research Council (LRC). For the purpose of continuity, these minutes are not necessarily in chronological order. This meeting was recorded by South Dakota Public Broadcasting. The archived recording is available at the LRC website at <http://legis.sd.gov> under "Interim."

### **Approval of Minutes**

*Representative Gibson moved, seconded by Representative Hunhoff, that the minutes of the July 20, 2015, meeting be approved. Motion prevailed on a voice vote.*

### **Rules Reviewed**

**Department of Agriculture: Division of Ag Development** – Adopt rules to establish a Water Drainage Mediation program.

**Ms. Terri LaBrie** reviewed the proposed rules.

*Representative Gibson moved, seconded by Representative Hunhoff, that the review of the rules proposed by the Department of Agriculture: Division of Ag Development is complete. Motion prevailed on a roll call vote with 6 ayes. Members voting aye: Bradford, Gibson, Heineman, Hunhoff, Johns, and Vehle.*

**Department of Game, Fish and Parks** – Amend Waterfowl Hunting Seasons rules to decrease the daily bag limit for scaup from 3 to 2 contingent upon approval by the U.S. Fish and Wildlife Service; increase the number of hunting days for white-fronted geese from 72 to 86 consecutive days contingent upon approval by the U.S. Fish and Wildlife Service, and remove the bald eagle (*Haliaeetus leucocephalus*) from the list of state threatened birds.

**Mr. Tony Leif** reviewed the proposed rules. He noted the final rules proposed by the U.S. Fish and Wildlife Service changed the daily bag limit from one to two canvasbacks and left the scaup limit at three. It was also noted that the bald eagle is still a protected species even though it is being removed from the state threatened bird list.

Before the presentation by Mr. Leif had concluded, the committee took a short recess in an attempt to resolve some technical difficulties with the PBS live feed.

*Representative Hunhoff moved, seconded by Representative Gibson, that the review of the rules proposed by the Department of Game, Fish and Parks is complete. Motion prevailed on a roll call vote with 6 ayes. Members voting aye: Bradford, Gibson, Heineman, Hunhoff, Johns, and Vehle.*

**Department of Transportation** – Amend a Speed Limits rule in Campbell County on Highway 10 in Pollock; amend a Speed Limits rule in Jackson County on Highway 44 in Interior and south of the Badlands National Park boundary; and adopt Movement of Oversize or Overweight Vehicles rules to create an extended period emergency declaration permit and an extended period emergency declaration fleet permit.

**Ms. Katie Thompson, Ms. Christina Bennett, and Captain John Broers**, Highway Patrol, reviewed the proposed rules.

### **Public Testimony**

**Ms. Kathy Zander**, Pierre, Executive Director, South Dakota Agri-Business Association, testified in support of the proposed rules regarding the Movement of Oversize or Overweight Vehicles.

Rep. Johns had a question on the definition of "commodities" in the proposed rules and whether "equipment" is included within that definition. Captain Broers opined that he thought equipment could also be a commodity but he would research the question and he will provide the committee members with additional information regarding the definition following the meeting.

*Senator Bradford moved, seconded by Representative Gibson, that the review of the rules proposed by the Department of Transportation is complete. Motion prevailed on a roll call vote with 6 ayes. Members voting aye: Bradford, Gibson, Heineman, Hunhoff, Johns, and Vehle.*

**Department of Education: Board of Education** – Amend a Career and Technical education rule to increase the postsecondary technical institute per student allocation to the level set for fiscal year 2016 by the Legislature; repeal an Application for Certificate rule regarding revoking, suspending, or voiding a certificate; amend Certification rules to clarify the test required to obtain a 7-12 mathematics endorsement and create a 7-12 intermediate mathematics endorsement; amend a Certificate Denial and Discipline Procedures rule to detail the procedures for the denial of an application for a certificate, the duration of an order imposing discipline, the procedures for reinstatement, and the public or private nature of disciplinary records; and repeal the tuition equalization grant program, Robert C. Byrd honors scholarship program, Christa McAuliffe fellowship program, school term length grades 1-3, and teacher compensation program rules.

**Ms. Bobbi Rank, Ms. Tiffany Sanderson, and Ms. Carla Leingang** reviewed the proposed rules.

Following a brief discussion on the 7-12 intermediate-level math endorsement rules, the committee would like the department to monitor how many math majors cannot pass the praxis to obtain the 7-12 math endorsement.

*Representative Gibson moved, seconded by Senator Vehle, that the review of the rules proposed by the Department of Education: Board of Education is complete. Motion prevailed on a roll call vote with 5 ayes, 1 nay. Members voting aye: Bradford, Gibson, Heineman, Johns, and Vehle. Member voting nay: Hunhoff.*

The committee experienced additional technical problems with the DDN video feed. The remote sites lost the picture for the Pierre site and it remained unresolved for the remainder of the meeting.

**Department of Revenue: South Dakota Lottery Commission** – Amend a rule to allow a change to the Powerball game matrix and include the 10X multiplier for Power Play in certain defined instances.

**Mr. Norm Lingle** reviewed the proposed rule.

*Senator Vehle moved, seconded by Representative Gibson, that the review of the rule proposed by the Department of Revenue: South Dakota Lottery Commission is complete. Motion prevailed on a roll call vote with 6 ayes. Members voting aye: Bradford, Gibson, Heineman, Hunhoff, Johns, and Vehle.*

**Department of Public Safety** – Amend rules to increase the amount of time allowed to appeal an administrative driver license action, to repeal unnecessary driver license rules, update commercial driver license language to conform to federal standards and 2015 legislation, update the prorated fees for licenses or identification cards issued to those under 21, and update the adoption of Commercial Vehicle Safety Alliance standards.

**Ms. Jenna Howell** reviewed the proposed rules.

*Representative Gibson moved, seconded by Representative Johns, that the review of the rules proposed by the Department of Public Safety is complete. Motion prevailed on a roll call vote with 6 ayes. Members voting aye: Bradford, Gibson, Heineman, Hunhoff, Johns, and Vehle.*

### **Committee Discussion**

**SDCL 1-26 requirements – discussion continued from July 2015 meeting regarding information in final rules package submitted to the committee.**

**Mr. Decker** reviewed the documents that had been previously distributed to the committee. The style and form letter was revised to include the proposed "Recommended Rules Presentation Format" be sent to the agencies along with the "Directions for Submitting the Final Draft".

*Representative Gibson moved, seconded by Representative Hunhoff, that staff includes the "Recommended Rules Presentation Format" with the style and form letter. Motion prevailed on a roll call vote with 6 ayes. Members voting aye: Bradford, Gibson, Heineman, Hunhoff, Johns, and Vehle.*

### **Next Meeting Date**

The next interim meeting of the Interim Rules Review Committee will be on Monday, September 21, 2015.

### **Adjournment**

*Representative Johns moved, seconded by Representative Gibson, that the meeting be adjourned. Motion prevailed on a voice vote.*

Chair Vehle adjourned the meeting at 1:10 p.m.